

January 2, 2020

Honorable Shelly Petrolia

Mayor of Delray Beach

Honorable Shirley Johnson

Vice-Mayor of Delray Beach

Honorable Bill Bathurst

Deputy Vice-Mayor/Commissioner of Delray Beach

Honorable Adam Frankel

Commissioner of Delray Beach

Honorable Ryan Boylston

Commissioner of Delray Beach

c/o City Hall

100 NW First Ave

Delray Beach, Florida 33444

Re: Slow Speed, Minimum Wake Zone, North of Atlantic Ave. Bridge

Dear Mayor Petrolia, Vice-Mayor Johnson, Deputy Vice-Mayor
Bathurst, Commissioner Frankel and Commissioner Ryan Boylston:

As you may recall we wrote to all of you and hand delivered a letter dated June 5th, 2019, more than six (6) months ago, addressing what should be a major concern to this city and its residents – mandate for the immediate reduction in watercraft speed(s) along the Waterway north of the Atlantic Ave. Bridge to the George Bush Blvd Bridge.

To reiterate part of that June 5th letter - “In light of the many reasons cited herein we believe this change (speed of watercraft) is vital and demands immediate action to address essential environmental (ecosystem), safety and property damage related issues.”

Climate change and the resulting immediate, obvious and evident, rising water levels on the Waterway is responsible for and exacerbates damage to sea walls,

public streets as well as private property (some of which maintain essential easements both local, state and federal). Rising water levels create hazardous conditions on the Waterway and pose a serious safety issue for and to boaters including a multitude of recreational users of the Waterway. Rising water levels coupled with excessive and often irresponsible boat speed is a serious environmental issue including a serious danger to wildlife and the fragile ecosystem along and within the Waterway.

The City of Delray is empowered to create, pass and mandate an ordinance to control the speed of watercraft on the Waterway which will have an immediate and long term benefit including but not limited to: safety of both boaters, weekend and recreational users; environmental including the protection of wildlife as well as an overly fragile ecosystem and; the protection and preservation of property both public and private.

To all of you addressed in this letter the issue of controlling and limiting boat speed along the Waterway is low hanging fruit. Immediate action is essential and must be taken. Taking immediate action to mandate speed on the Waterway costs the City and its residents absolutely **NOTHING**! Let me repeat for emphasis – there is NO cost!! Inaction however is not without cost and repercussions which are quite evident and is absolutely unconscionable and irresponsible on the part of city leaders in power to mandate change.

The City has an obligation to ACT on this issue with immediate and due dispatch and for all of the obvious reasons.

To date we have not had the courtesy of an acknowledgement of our correspondence or of the concerns as raised in our June 5th letter. Again, we reiterate that the issues as raised therein and here again, are of vital concern to the city and its residents and has the support of the residents along the Waterway including The Palm Trail Homeowners Association as well as those homeowners on the barrier island. All of whom, by the way, are registered voters and will be around long after developers have destroyed Delray Beach.

In order for the City to take immediate action to limit the speed of traffic on the Intracoastal Waterway north of Atlantic Ave Bridge up to George Bush Blvd Bridge I have provided to all of you addressed herein a simple easy to read road map to accomplish what is necessary and vital to all of us.

I urge you (collectively); my neighbors urge you and all of the city residents as well as guests and vacationers to the City of Delray, urge you to take the necessary and immediate action to control this insidious, dangerous and destructive situation.

The roadmap as such is as follows:

Pursuant to §327.46 of the Florida Statutes (2019), Delray Beach has the authority to establish boating-restricted areas—including restrictions on vessel speeds—within waters under its jurisdiction for any purpose necessary to protect public safety, so long as certain criteria are met. Under subsection §327.46(1)(c)(2)(c), municipalities have the authority to establish a “slow speed, minimum wake” area by ordinance if the location is subject to hazardous water levels.

Based on the reasons set forth in our previous letter (dated June 5, 2019) and herein, it is evident, clear and readily obvious that water levels continue to rise in the area of the Intracoastal Waterway north of the Atlantic Avenue bridge (as in all of South Florida), and wake dispersal poses an ever-increasing hazard to surrounding property owners and marine life. Therefore, to protect public safety, we request that the City of Delray Beach immediately and with due dispatch issue an ordinance to establish a “slow speed, minimum wake” boating-restricted area on this segment of the Intracoastal Waterway. Per the terms of the statute, we also request that Delray Beach coordinate with other governmental entities as necessary and submit its ordinance to the **Florida Fish and Wildlife**

Conservation Commission immediately after adoption to finalize implementation of the boating-restricted area north of Atlantic Avenue.

I would appreciate the courtesy of a responses and recognition of this serious issue by adding an agenda item to the next City Council meeting to address, pass and implement the required ordinance.

Very truly yours,

George R. Walden
828 NE 1st Ct
Delray Beach, Florida 33483

cc: Brad and Elizabeth Busscher
823 NE 1st Ct.
Delray Beach, Florida 33483

The Palm Trail Homeowner's Association